REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claim 1 was pending in this application. Claim 1 has been amended and claims 2-20 have been added. Accordingly, claims 1-20 will be pending herein upon entry of this Amendment. For at least the reasons stated below, Applicant respectfully submits that all claims pending in this application are in condition for allowance.

In the Office Action, claim 1 was rejected under 35 U.S.C. § 101 allegedly because the claimed invention is directed to non-statutory subject matter. Claim 1 was also rejected under 35 U.S.C.§102(e) as being anticipated by Hines et al. (U.S. Pub. 2003/0121027). To the extent this rejection might still be applied to claims presently pending in this application, it is respectfully traversed.

Regarding the rejection under 35 U.S.C. § 101, Applicant respectfully disagrees that the claim as originally submitted is directed to non-statutory subject matter. While the claim did not originally recite a "computerized" method, the claim clearly recites that it is a "method for detecting anomalous behavior *in an executing software program.*" (Emphasis added.) Applicants respectfully submit that this combined with other claim language in the body makes it clear that the method is performed in a computing environment, and therefore has the requisite "equivalent language" to "computerized" already in the claim. Applicant has, however, added the term "computerized" to claim 1 simply to further prosecution without acquiescing to the propriety of the rejection under 35 U.S.C. §101.

Turning to the rejection under 35 U.S.C. §102(e) as being anticipated by Hines et al., Applicants respectfully disagree with the Examiner's characterization of Hines as teaching the requisite "method for detecting anomalous behavior." The portions of Hines cited by the Examiner do not relate to detecting anomalous behavior as is recited in claim 1. Specifically, Applicants assert that there is no teaching in Hines at least of identifying "undesirable transition states in the finite automaton," nor creating "a labeled finite automaton" as recited in claim 1. Hines discusses only debugging software, and paragraph 0481, cited in the Office Action, merely discusses "consistent cuts," which appear to have nothing to do with identifying undesirable transition states as recited in claim 1 and the Office Action provides no explanation as to how these consistent cuts taught by Hines correspond to specific recitations of claim 1.

While the Examiner is permitted to give claims their broadest reasonable interpretation, this does not permit the Examiner to essentially ignore specific recitations as the present rejection seemingly attempts to do. The present invention relates, in one aspect, generally to anomaly detection to address the problem of detecting new or novel system attacks (see specification p. 2), while Hines generally relates to locating a predetermined sequence of events or predetermined behavior and acting accordingly (see Hines abstract). Hines does not discuss application of a learning algorithm and an examination algorithm to detect novel behavior, which by definition, would not be a "predetermined sequence of events" as is taught in Hines.

Further, although the Examiner has pointed to various portions of Hines that allegedly teach recitations of claim 1 (without any explanation of how the different terminology and methodology of Hines allegedly teach the claimed recitations), Applicants assert that these cited

portions have practically no relation to the recitations of claim 1. For example, paragraph 0481 of Hines does not discuss anything having to do with the claimed identification of "undesirable transition states in the finite automaton." A "broad interpretation" of claim language does not allow the Examiner to redefine the teachings of a cited reference in a manner not contemplated by that reference. Other than the fact that Hines recites the term "automata" at some points in the disclosure, Applicant does not agree that Hines teaches many, if any, of the recitations of claim 1. If the Examiner chooses to apply Hines in any future office action, Applicant would appreciate an explanation of the application of Hines as Applicant currently believes that the present rejection fails to meet the *prima facie* standard for rejection under 35 U.S.C. §102(e).

By this Amendment, Applicant has also added various dependent claims to further elucidate aspects of the present invention and asserts that these dependent claims, as well as independent claim 1 are presently allowable over the only rejection of record, the rejection applying Hines et al.

In view of the foregoing, all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

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Respectfully submitted,

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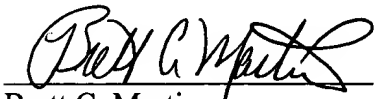
By: 
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